

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAWRENCE HARTFORD; DOUGLAS
MITCHELL; BRETT BASS; SPORTING
SYSTEMS VANCOUVER, INC.; SECOND
AMENDMENT FOUNDATION, INC.; AND
FIREARMS POLICY COALITION, INC.,

Plaintiffs,

vs.

BOB FERGUSON, in his official capacity as
Washington State Attorney General; et al.,

Defendants.

NO. 3:23-cv-05364-RJB

DEFENDANTS' ANSWER TO
PLAINTIFF'S COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

COMES NOW Defendants Jason Cummings and Adam Fortney ("Defendants"), by and through their attorneys of record, in response to the allegations contained in Plaintiffs' Complaint (hereinafter referred to as "Complaint"). Except as herein expressly admitted or qualified, Defendants deny each and every allegation, statement, or charge contained in the Complaint, and deny that Plaintiffs are entitled to any of the relief requested. The paragraph numbers below correspond to the paragraph numbers in Plaintiffs' Complaint.

DEFENDANTS' ANSWER TO PLAINTIFF'S
COMPLAINT - 1
(USDC 3:23-cv-05364-RJB)

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I. INTRODUCTION.

1
2 1. In answering the allegations contained in Paragraph 1 of Plaintiffs' Complaint,
3 Paragraph 1 consists of legal conclusions to which no response is required. Furthermore, the
4 constitutional provision cited in this paragraph speaks for itself and likewise requires no
5 response. To the extent a response is required, it is denied.

6 2. In answering the allegations in Paragraph 2 of Plaintiffs' Complaint,
7 Paragraph 2 consists of opinion and conclusory statements to which no response is required.
8 To the extent a response is required, Defendants deny that Paragraph 2 accurately describes
9 SHB 1240 § 3. Defendants deny any different or remaining allegations.
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11 3. In answering the allegations contained in Paragraph 3 of Plaintiffs' Complaint,
12 Paragraph 3 asserts opinion and conclusory statements to which no response is required. To
13 the extent a response is required, it is denied.

14 4. In answering the allegations contained in Paragraph 4 of Plaintiffs' Complaint,
15 Paragraph 4 asserts legal conclusions to which no response is required. To the extent a
16 response is required, it is denied.
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18 5. In answering the allegations contained in Paragraph 5 of Plaintiffs' Complaint,
19 Paragraph 5 asserts legal conclusions to which no response is required. To the extent a
20 response is required, it is denied.

21 6. In answering the allegations contained in Paragraph 6 of Plaintiffs' Complaint,
22 Defendants deny that they have infringed or threaten to infringe the rights of the Plaintiffs.
23 To the extent the allegations in this paragraph pertain to another defendant who is separately
24 represented, no response is required.
25

II. JURISDICTION AND VENUE.

7. In answering the allegations contained in Paragraph 7 of Plaintiffs' Complaint, Defendants leave the matter of jurisdiction to the Court.

8. In answering the allegations contained in Paragraph 8 of Plaintiffs' Complaint, Paragraph 8 asserts legal conclusions to which no response is required. To the extent a response is required, it is denied.

9. In answering the allegations contained in Paragraph 9, Defendants admit that venue is proper.

III. PARTIES.

10. In answering the allegations contained in Paragraph 10 of Plaintiffs' Complaint, Defendants deny that they have taken any steps to cause Plaintiff Doug Mitchell to fear prosecution. Defendants are without sufficient information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 10 and, therefore, deny the same.

11. In answering the allegations contained in Paragraph 11 of Plaintiffs' Complaint, Defendants deny that they have taken any steps to cause Plaintiff Lawrence Hartford to fear prosecution. Defendants are without sufficient information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 11 and, therefore, deny the same.

12. In answering the allegations contained in Paragraph 12 of Plaintiffs' Complaint, Defendants deny that they have taken any steps to cause Plaintiff Brett Bass to fear prosecution. Defendants are without sufficient information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 12 and, therefore, deny the same.

1 13. In answering the allegations contained in Paragraph 13 of Plaintiffs'
2 Compliant, Defendants deny that they have caused any harm to Plaintiff Sporting Systems
3 Vancouver, Inc. Defendants are without sufficient information to form a belief as to the truth
4 or falsity of the remaining allegations contained in Paragraph 13 and, therefore, deny the
5 same.

6 14. In answering the allegations contained in Paragraph 14 of Plaintiffs'
7 Compliant, Defendants deny that they have caused any harm to Plaintiff Second Amendment
8 Foundation or its members, including the individual Plaintiffs. Defendants are without
9 sufficient information to form a belief as to the truth of the remaining allegations contained
10 in Paragraph 14 and, therefore, deny the same.

11 15. In answering the allegations contained in Paragraph 15 of Plaintiffs'
12 Compliant, Defendants deny that they have caused any harm to Plaintiff Firearms Policy
13 Coalition, Inc. or its members, including the individual Plaintiffs. Defendants are without
14 sufficient information to form a belief as to the truth or falsity of the remaining allegations
15 contained in Paragraph 15 and, therefore, deny the same.

16 16. In answering the allegations contained in Paragraph 16 of Plaintiffs'
17 Complaint, Defendants admit that the Complaint names Bob Ferguson, in his official
18 capacity as Washington State Attorney General, as a Defendant. With regard to the
19 remaining allegations of Paragraph 16, these allegations are directed at another defendant
20 who is separately represented and therefore no response is required.

21 17. In answering the allegations contained in Paragraph 17 of Plaintiffs'
22 Complaint, Defendants admit that the Complaint names John R. Batiste, in his official
23 capacity as Chief of the Washington State Patrol, as a Defendant. With regard to the
24 remaining allegations of Paragraph 17, these allegations are directed at another defendant
25 who is separately represented and therefore no response is required.

1 18. In answering the allegations contained in Paragraph 18 of Plaintiffs'
2 Complaint, Defendants admit that the Complaint names Clayton Meyers, in his official
3 capacity as Sheriff for Kittitas County, Washington, as a Defendant. With regard to the
4 remaining allegations of Paragraph 18, these allegations are directed at another defendant
5 who is separately represented and therefore no response is required.

6 19. In answering the allegations contained in Paragraph 19 of Plaintiffs'
7 Complaint, Defendants admit that the Complaint names John Horch, in his official capacity
8 as Sheriff for Clark County, Washington, as a Defendant. With regard to the remaining
9 allegations of Paragraph 19, these allegations are directed at another defendant who is
10 separately represented and therefore no response is required.

11 20. In answering the allegations contained in Paragraph 20 of Plaintiffs'
12 Complaint, Defendants admit that the Complaint names John Gese, in his official capacity
13 as Sheriff for Kitsap County, Washington, as a Defendant. With regard to the remaining
14 allegations of Paragraph 20, these allegations are directed at another defendant who is
15 separately represented and therefore no response is required.

16 21. In answering the allegations contained in Paragraph 21 of Plaintiffs'
17 Complaint, Defendants admit that the Complaint names Adam Fortney, in his official
18 capacity as Sheriff for Snohomish County, Washington, as a Defendant. Defendants admit
19 that Sheriff Fortney has authority under RCW 36.28.010 to arrest and commit persons guilty
20 of public offenses and the precise extent and scope of this authority is determined by case
21 law and statute. The remaining allegations contained in Paragraph 21 set forth a legal
22 conclusion or opinion to which no response is required. To the extent a response is required,
23 Defendants deny.

24 22. In answering the allegations contained in Paragraph 22 of Plaintiffs'
25 Complaint, Defendants admit Defendants admit that the Complaint names Greg Zempel, in
26 his official capacity as County Prosecutor for Kittitas County, Washington, as a Defendant.

1 With regard to the remaining allegations of Paragraph 22, these allegations are directed at
 2 another defendant who is separately represented and therefore no response is required.

3 23. In answering the allegations contained in Paragraph 23 of Plaintiffs'
 4 Complaint, Defendants admit Defendants admit that the Complaint names Tony Golick, in
 5 his official capacity as County Prosecutor for Clark County, Washington, as a Defendant.
 6 With regard to the remaining allegations of Paragraph 23, these allegations are directed at
 7 another defendant who is separately represented and therefore no response is required.

8 24. In answering the allegations contained in Paragraph 24 of Plaintiffs'
 9 Complaint, Defendants admit Defendants admit that the Complaint names Chad M. Enright,
 10 in his official capacity as County Prosecutor for Kitsap County, Washington, as a Defendant.
 11 With regard to the remaining allegations of Paragraph 24, these allegations are directed at
 12 another defendant who is separately represented and therefore no response is required.

13 25. In answering the allegations contained in Paragraph 25 of Plaintiffs'
 14 Complaint, Defendants admit that the Complaint names Jason Cummings, in his official
 15 capacity as County Prosecutor for Snohomish County, Washington, as a Defendant.
 16 Defendants admit that under RCW 36.27.020 Jason Cummings has authority to prosecute
 17 criminal and civil actions in which the state or the county may be a party and the precise
 18 extent and scope of this authority is determined by case law and statute. The remaining
 19 allegations contained in Paragraph 25 set forth a legal conclusion or opinion to which no
 20 response is required. To the extent a response is required, Defendants deny.

21 **IV. FACTUAL ALLEGATIONS.**

22 **A. Washington's Ban on Common Semiautomatic Rifles**

23 26. In answering the allegations contained in Paragraph 26 of Plaintiffs'
 24 Complaint, Defendants admit that Governor Jay Inslee signed Substitute House Bill 1240.

1 Defendants admit that Substitute House Bill 1240 speaks for itself. Defendants deny any and
2 all remaining or different allegations.

3 27. In answering the allegations in Paragraph 27 of Plaintiffs' Complaint,
4 Defendants admit Substitute House Bill 1240 speaks for itself. Defendants deny any and all
5 remaining or different allegations.

6 28. In answering the allegations in Paragraph 28 of Plaintiffs' Complaint,
7 Defendants admit Substitute House Bill 1240 speaks for itself. Defendants deny any and all
8 remaining or different allegations.

9 29. In answering the allegations in Paragraph 29 of Plaintiffs' Complaint,
10 Defendants admit Substitute House Bill 1240 speaks for itself. Defendants deny any and all
11 remaining or different allegations.

12 30. In answering the allegations in Paragraph 30 of Plaintiffs' Complaint,
13 Defendants admit Substitute House Bill 1240 speaks for itself. Defendants deny any and all
14 remaining or different allegations.

15 31. In answering the allegations in Paragraph 31 of Plaintiffs' Complaint,
16 Defendants admit Substitute House Bill 1240 speaks for itself. Defendants deny any and all
17 remaining or different allegations.

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20 **B. Washington Has Criminalized A Common And Important Means of Self**
21 **Defense.**

22 32. In answering the allegations in Paragraph 32 of Plaintiffs' Complaint,
23 Defendants admit Substitute House Bill 1240 speaks for itself. Defendants deny any and all
24 remaining or different allegations.
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1 33. In answering the allegations in Paragraph 33 of Plaintiffs' Complaint,
2 Defendants admit Substitute House Bill 1240 speaks for itself. Defendants deny any and all
3 remaining or different allegations.

4 34. In answering the allegations in Paragraph 34 of Plaintiffs' Complaint,
5 Defendants admit Substitute House Bill 1240 speaks for itself. Defendants deny any and all
6 remaining or different allegations.

7 35. In answering the allegations in Paragraph 35 of Plaintiffs' Complaint,
8 Defendants are without sufficient information to form a belief as to the truth or falsity of the
9 allegations contained therein and, therefore, deny the same.
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11 36. In answering the allegations in Paragraph 36 of Plaintiffs' Complaint,
12 Defendants are without sufficient information to form a belief as to the truth or falsity of the
13 allegations contained therein and, therefore, deny the same.

14 37. In answering the allegations in Paragraph 37 of Plaintiffs' Complaint,
15 Defendants are without sufficient information to form a belief as to the truth or falsity of the
16 allegations contained therein and, therefore, deny the same.
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18 38. In answering the allegations in Paragraph 38 of Plaintiffs' Complaint,
19 Defendants are without sufficient information to form a belief as to the truth or falsity of the
20 allegations contained therein and, therefore, deny the same.

21 39. In answering the allegations in Paragraph 39 of Plaintiffs' Complaint,
22 Defendants are without sufficient information to form a belief as to the truth or falsity of the
23 allegations contained therein and, therefore, deny the same.
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1 40. In answering the allegations in Paragraph 40 of Plaintiffs' Complaint,
2 Defendants are without sufficient information to form a belief as to the truth or falsity of the
3 allegations contained therein and, therefore, deny the same.

4 41. In answering the allegations in Paragraph 41 of Plaintiffs' Complaint,
5 Defendants are without sufficient information to form a belief as to the truth or falsity of the
6 allegations contained therein and, therefore, deny the same.

7 42. In answering the allegations in Paragraph 42 of Plaintiffs' Complaint,
8 Defendants are without sufficient information to form a belief as to the truth or falsity of the
9 allegations contained therein and, therefore, deny the same.

10 43. In answering the allegations in Paragraph 43 of Plaintiffs' Complaint,
11 Defendants are without sufficient information to form a belief as to the truth or falsity of the
12 allegations contained therein and, therefore, deny the same.

13 44. In answering the allegations in Paragraph 44 of Plaintiffs' Complaint,
14 Defendants are without sufficient information to form a belief as to the truth or falsity of the
15 allegations contained therein and, therefore, deny the same.

16 45. In answering the allegations in Paragraph 45 of Plaintiffs' Complaint,
17 Defendants are without sufficient information to form a belief as to the truth or falsity of the
18 allegations contained therein and, therefore, deny the same.

19 46. In answering the allegations in Paragraph 46 of Plaintiffs' Complaint,
20 Defendants are without sufficient information to form a belief as to the truth or falsity of the
21 allegations contained therein and, therefore, deny the same.
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1 47. In answering the allegations in Paragraph 47 of Plaintiffs' Complaint,
2 Defendants are without sufficient information to form a belief as to the truth or falsity of the
3 allegations contained therein and, therefore, deny the same.

4 48. In answering the allegations in Paragraph 48 of Plaintiffs' Complaint,
5 Defendants are without sufficient information to form a belief as to the truth or falsity of the
6 allegations contained therein and, therefore, deny the same.

7 49. In answering the allegations in Paragraph 49 of Plaintiffs' Complaint,
8 Defendants are without sufficient information to form a belief as to the truth or falsity of the
9 allegations contained therein and, therefore, deny the same.
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11 50. In answering the allegations in Paragraph 50 of Plaintiffs' Complaint,
12 Defendants are without sufficient information to form a belief as to the truth or falsity of the
13 allegations contained therein and, therefore, deny the same.

14 51. In answering the allegations in Paragraph 51 of Plaintiffs' Complaint,
15 Defendants are without sufficient information to form a belief as to the truth or falsity of the
16 allegations contained therein and, therefore, deny the same.
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18 52. In answering the allegations in Paragraph 52 of Plaintiffs' Complaint,
19 Defendants are without sufficient information to form a belief as to the truth or falsity of the
20 allegations contained therein and, therefore, deny the same.

21 53. In answering the allegations in Paragraph 53 of Plaintiffs' Complaint,
22 Defendants are without sufficient information to form a belief as to the truth or falsity of the
23 allegations contained therein and, therefore, deny the same.
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1 54. In answering the allegations in Paragraph 54 of Plaintiffs' Complaint,
2 Defendants are without sufficient information to form a belief as to the truth or falsity of the
3 allegations contained therein and, therefore, deny the same.

4 55. In answering the allegations in Paragraph 55 of Plaintiffs' Complaint,
5 Defendants are without sufficient information to form a belief as to the truth or falsity of the
6 allegations contained therein and, therefore, deny the same.

7 56. In answering the allegations in Paragraph 56 of Plaintiffs' Complaint,
8 Defendants are without sufficient information to form a belief as to the truth or falsity of the
9 allegations contained therein and, therefore, deny the same.

10 57. In answering the allegations in Paragraph 57 of Plaintiffs' Complaint,
11 Defendants are without sufficient information to form a belief as to the truth or falsity of the
12 allegations contained therein and, therefore, deny the same.

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14 **C. Statement Of Fats Relating To Lawrence Hartford.**

15 58. In answering the allegations in Paragraph 58 of Plaintiffs' Complaint,
16 Defendants incorporate their responses and denials as set forth above.

17 59. In answering the allegations in Paragraph 59 of Plaintiffs' Complaint,
18 Defendants are without sufficient information to form a belief as to the truth or falsity of the
19 allegations contained therein and, therefore, deny the same.

20 60. In answering the allegations in Paragraph 60 of Plaintiffs' Complaint,
21 Defendants are without sufficient information to form a belief as to the truth or falsity of the
22 allegations contained therein and, therefore, deny the same.
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1 61. In answering the allegations in Paragraph 61 of Plaintiffs' Complaint,
2 Defendants are without sufficient information to form a belief as to the truth or falsity of the
3 allegations contained therein and, therefore, deny the same.

4 62. In answering the allegations in Paragraph 62 of Plaintiffs' Complaint,
5 Defendants are without sufficient information to form a belief as to the truth or falsity of the
6 allegations contained therein and, therefore, deny the same.

7 63. In answering the allegations in Paragraph 63 of Plaintiffs' Complaint,
8 Defendants are without sufficient information to form a belief as to the truth or falsity of the
9 allegations contained therein and, therefore, deny the same.

10 64. In answering the allegations in Paragraph 64 of Plaintiffs' Complaint,
11 Defendants deny that they have taken any steps to cause Plaintiff Hartford to fear
12 prosecution. Defendants are without sufficient information to form a belief as to the truth or
13 falsity of the remaining allegations contained in Paragraph 64 and, therefore, deny the same.
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15 **D. Statement Of Facts Relating To Doug Mitchell.**

16 65. In answering the allegations in Paragraph 65 of Plaintiffs' Complaint,
17 Defendants incorporate their responses and denials as set forth above.
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19 66. In answering the allegations in Paragraph 66 of Plaintiffs' Complaint,
20 Defendants are without sufficient information to form a belief as to the truth or falsity of the
21 allegations contained therein and, therefore, deny the same.

22 67. In answering the allegations in Paragraph 67 of Plaintiffs' Complaint,
23 Defendants are without sufficient information to form a belief as to the truth or falsity of the
24 allegations contained therein and, therefore, deny the same.
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1 68. In answering the allegations in Paragraph 68 of Plaintiffs' Complaint,
2 Defendants are without sufficient information to form a belief as to the truth or falsity of the
3 allegations contained therein and, therefore, deny the same.

4 69. In answering the allegations in Paragraph 69 of Plaintiffs' Complaint,
5 Defendants are without sufficient information to form a belief as to the truth or falsity of the
6 allegations contained therein and, therefore, deny the same.

7 70. In answering the allegations in Paragraph 70 of Plaintiffs' Complaint,
8 Defendants deny that they have taken any steps to cause Plaintiff Mitchell to fear prosecution.
9 Defendants are without sufficient information to form a belief as to the truth or falsity of the
10 remaining allegations contained in Paragraph 70 and, therefore, deny the same.

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12 **E. Statement Of Facts Relating To Brett Bass.**

13 71. In answering the allegations in Paragraph 71 of Plaintiffs' Complaint,
14 Defendants incorporate their responses and denials as set forth above.

15 72. In answering the allegations in Paragraph 72 of Plaintiffs' Complaint,
16 Defendants are without sufficient information to form a belief as to the truth or falsity of the
17 allegations contained therein and, therefore, deny the same.

18 73. In answering the allegations in Paragraph 73 of Plaintiffs' Complaint,
19 Defendants are without sufficient information to form a belief as to the truth or falsity of the
20 allegations contained therein and, therefore, deny the same.

21 74. In answering the allegations in Paragraph 74 of Plaintiffs' Complaint,
22 Defendants are without sufficient information to form a belief as to the truth or falsity of the
23 allegations contained therein and, therefore, deny the same.
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1 75. In answering the allegations in Paragraph 75 of Plaintiffs' Complaint,
2 Defendants are without sufficient information to form a belief as to the truth or falsity of the
3 allegations contained therein and, therefore, deny the same.

4 76. In answering the allegations in Paragraph 76 of Plaintiffs' Complaint,
5 Defendants are without sufficient information to form a belief as to the truth or falsity of the
6 allegations contained therein and, therefore, deny the same.

7 77. In answering the allegations in Paragraph 77 of Plaintiffs' Complaint,
8 Defendants deny that they have taken any steps to cause Plaintiff Bass to fear prosecution.
9 Defendants are without sufficient information to form a belief as to the truth or falsity of the
10 remaining allegations contained in Paragraph 77 and, therefore, deny the same.

12 **F. Statement Of Facts Relating To Sporting Systems Vancouver, Inc.**

13 78. In answering the allegations in Paragraph 78 of Plaintiffs' Complaint,
14 Defendants incorporate their responses and denials as set forth above.

15 79. In answering the allegations in Paragraph 79 of Plaintiffs' Complaint,
16 Defendants are without sufficient information to form a belief as to the truth or falsity of the
17 allegations contained therein and, therefore, deny the same.

18 80. In answering the allegations in Paragraph 80 of Plaintiffs' Complaint,
19 Defendants are without sufficient information to form a belief as to the truth or falsity of the
20 allegations contained therein and, therefore, deny the same.

21 81. In answering the allegations in Paragraph 81 of Plaintiffs' Complaint,
22 Defendants without sufficient information to form a belief as to the truth or falsity of the
23 allegations contained therein and, therefore, deny the same.
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82. In answering the allegations in Paragraph 82 of Plaintiffs' Complaint, Defendants deny that they have taken any steps to cause Plaintiff Sporting Systems Vancouver, Inc. to fear prosecution. Defendants are without sufficient information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 82 and, therefore, deny the same.

V. CAUSE OF ACTION.

A. Count One: 42. U.S.C § 1983 & *Ex Parte Young*, 29 U.S. 123 (1908)-Deprivation of Plaintiffs' Rights under the Second and Fourteenth Amendment of the United States Constitution.

83. In answering the allegations in Paragraph 83 of Plaintiffs' Complaint, Defendants incorporate their responses and denials as set forth above.

84. In answering the allegations in Paragraph 84 of Plaintiffs' Complaint, Defendants admit that the Second Amendment to the United States Constitution speaks for itself.

85. In answering the allegations in Paragraph 85 of Plaintiffs' Complaint, Defendants admit.

86. In answering the allegations in Paragraph 86 of Plaintiffs' Complaint, the allegations in this paragraph consist of legal conclusions to which no response is required.

87. In answering the allegations in Paragraph 87 of Plaintiffs' Complaint, the allegations in this paragraph consist of legal conclusions to which no response is required. To the extent they may be deemed allegations of fact, Defendants deny the allegations of Paragraph 87.

89. In answering the allegations in Paragraph 89 of Plaintiffs' Complaint, the allegations in this paragraph consist of legal conclusions to which no response is required. Statements of law and their application and relevance to this case will ultimately be determined by the Court.

90. In answering the allegations in Paragraph 90 of Plaintiffs' Complaint, Defendants are without sufficient information as to the truth or falsity of the allegations contained in Paragraph 90 and, therefore, deny the same.

91. In answering the allegations in Paragraph 91 of Plaintiffs' Complaint, the allegations in this paragraph consist of legal conclusions to which no response is required. Statements of law and their application and relevance to this case will ultimately be determined by the Court.

92. In answering the allegations in Paragraph 92 of Plaintiffs' Complaint, the allegations in this paragraph consist of legal conclusions to which no response is required. Statements of law and their application and relevance to this case will ultimately be determined by the Court.

Answering paragraphs 1 through 92 of Plaintiffs' Complaint, Defendants deny Plaintiffs are entitled to any relief as to, or damages from, Defendants. Accordingly,

1 Plaintiffs' prayer for relief is denied in all respects, as are the facts by which Plaintiffs claim
 2 entitlement to same. As to any allegations in Plaintiffs' Complaint not expressly admitted or
 3 denied, Defendants deny the same.

4 **VII. AFFIRMATIVE DEFENSES**

5 Having fully answered Plaintiffs' Complaint, Defendants assert that discovery and
 6 investigation may reveal that any one or more of the following affirmative defenses is
 7 available to them in this matter. Defendants therefore assert the following affirmative
 8 defenses in order to preserve the right to assert them. If the facts warrant, Defendants may
 9 withdraw any of these affirmative defenses. Defendants reserve the right to amend this
 10 Answer to assert additional defenses, cross claims, and counterclaims.

- 12 1. Plaintiffs have failed to state a claim upon which relief may be granted.
- 13 2. Plaintiffs lack standing to sue individually and/or on behalf of others.
- 14 3. Plaintiffs' claims are not ripe.
- 15 4. To the extent Plaintiffs are attempting to bring a claim for monetary damages,
 16 costs or attorney's fees, Defendants may be immune from suit or judgment pursuant to the
 17 following doctrines: public duty doctrine, qualified immunity, prosecutorial immunity, and
 18 absolute immunity.
- 19 5. To the extent Defendants have undertaken conduct regarding subjects and
 20 events underlying Plaintiffs' Complaint, such conduct was, at all times material thereto,
 21 undertaken in good faith and in reasonable reliance on existing law.

22 Defendants reserve the right to assert additional defenses and affirmative defenses
 23 as established by the facts of this case. Defendants also adopt and incorporate by reference
 24

any and all other defenses asserted by any other defendant in this matter to the extent Defendants may share in such defense.

VIII. PRAYER FOR RELIEF

WHEREFORE, Defendants respectfully request that the Court grant the following relief:

1. That Plaintiffs' Complaint be dismissed with prejudice and that Plaintiffs take nothing thereby.
2. That Defendants recover their costs and attorneys' fees incurred herein to the maximum extent permitted by law.
3. For other relief as the court deems just and equitable.

DATED this 27th day of June, 2023.

JASON J. CUMMINGS
Snohomish County Prosecuting Attorney

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DECLARATION OF SERVICE

I hereby certify that I am an employee of the Civil Division of the Snohomish County Prosecuting Attorney, and that I caused to be served a true and correct copy of foregoing document upon the person(s) listed by the method(s) indicated:

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☐ Hand Delivery
☐ Messenger Service

I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

DATED this 27th day of June 2023.

s/Nikki Michel
 Nikki Michel, Legal Assistant